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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22242	7590	09/21/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			SHORTLEDGE, THOMAS E	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,247

Applicant(s)

CANDELORE, BRANT L.

Examiner

Thomas E Shortledge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37-51 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/15/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the use of "request" rather than "requesting" within line 7. Appropriate correction is required.
2. Claim 36 objected to under 37 CFR 1.75 as being a substantial duplicate of claim 32. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-6, 8-11, 14, 16-18, 20-22, 24-27, 30-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rondel et al. (4,984,177) in view of Abe et al. (5,544,050), in further view of Maruta et al. (5,606,498).

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As to claim 1 and 20, Rondel et al. teach:

receiving one or more input commands in a communication device, (the user depressing any key to start the operation, col. 7, line 68, and col. 8, lines 1);

Rondel et al. does not teach

outputting instructions in a target language from the communication device in response to a received input command, the instructions request a non-verbal response to a phrase;

receiving a selection of the phrase from a list of phrases in a user's language;

outputting the phrase in the target language from the communication device;

However, Abe et al. teach, outputting instructions in a target language from the communication device in response to a received input command, the instructions requesting a non-verbal response to a phrase, (an output display which is able to display which hand to perform the sign language with, col. 5, lines 2-4).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input system of Rondel et al. with the instructions output of Abe et al. for improved efficiency in the learning processes, as taught by Abe et al. (col. 2, lines 61).

Rondel et al. and Abe et al. do not teach:

receiving a selection of the phrase from a list of phrases in a user's language;

outputting the phrase in the target language from the communication device;

However Maruta et al. teach:

receiving a selection of the phrase from a list of phrases in a user's language (a number of phrases are stored in phrase memory, one of the phrases are then is displayed, col. 7 lines 42-45, col. 8, lines 13-15).

outputting the phrase in the target language from the communication device (phrase is displayed, and if the Japanese-English button is pressed, the phrase is translated, col. 7, lines 3-6, and col. 8, lines 23-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the instruction system of Abe et al., and with the phrase selection system of Maruta et al. to increase the ability of the method to find the desired phrase as taught by Maruta et al. (col. 1, lines 60-62).

As to claim 2 and 21, Rondel et al. teach outputting all instructions in a set of instructions (instructions are displayed, col. 7, line 65).

As to claim 3 and 22, Rondel et al. teach outputting a selection of instructions in a set of instructions (instructions are displayed to instruct the user to depress the any key, these instruction can also instruct the user to press on of the many other keys on the keypad such as the cursor keys, (col. 7, line 68, and col. 8, lines 12-15). It would be obvious the outputted instructions would have the ability to pick a set of keys to be pressed, creating a set of instructions).

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As to claim 4, Rondel et al. teach outputting to one of a speaker, built-in on screen display, external on screen display, wireless interface, universal serial bus, IEEE 1394, infrared interface, and serial interface (a mounted display, a speaker, output data buses, col. 5, line 43, col. 6, line 8 and line 25 (respectively)).

As to claim 5, Rondel et al. teach receiving one or more input command from one of a built-in button, external keyboard, internal microphone, wireless interface, universal serial bus, IEEE 1394, infrared interface, and serial interface (input as control keys, a microphone, input data bus, col. 5 line 50, col. 6, line 9 and lines 24-25 (respectively)).

As to claim 6, Rondel et al. do not teach the selection of instructions is based on the phrase.

However, Abe et al. do teach the instructions are based on the phrase (the phrase is displayed in sign language, col. 5, lines 24-28).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input system of Rondel et al. with the instructions output of Abe et al. for improved efficiency in the learning processes, as taught by Abe et al. (col. 2, lines 61).

As to claims 8 and 24, Rondel et al. teach:

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displaying a list phrase categories in the user's language, (a phrase subgroups are displayed associated to the selected phrase, which is in the user's language, col. 15, lines 10-12).

Receiving a selection of one of the phrase categories (phrase subgroup selections are made, col. 15, lines 17-18).

As to claims 9 and 25, Rondel et al. teach receiving a selection of a portion of the phrase from a secondary list, (language cartridges can be mounted and used in unison to combine phrases, col. 6, lines 33-36, and col. 10, lines 11-19).

As to claims 10 and 26, Rondel et al. teach:

storing audio in the target language corresponding to the custom phrase (storing phrases by training the voice language translator to the user's voice, col. 10, lines 2-3, and lines 11-12).

Rondel et al. and Abe et al. do not teach storing text in the user's language corresponding to a custom phrase.

However, Maruta et al. do teach generating patterns of characters of the readout phrases, and storing these patterns (col. 7, lines 10-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the instruction system of Abe et al., and with the phrase selection system of Maruta et al. to

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increase the ability of the method to find the desired phrase as taught by Maruta et al. (col. 1, lines 60-62).

As to claim 11 and 27, Rondel et al. teach:

displaying a list of personal information fields in the user's language (a series of short phrases are saved in the memory "banks" depending on the user, col. 10, lines 36-42).

receiving data corresponding to one of the personal information fields (template is then compared to the stored user trained voice patterns of the proper banks, col. 13, lines 25-27).

As to claims 14 and 31, Rondel et al. teach the instructions further comprise stating a purpose of the communication device, (the instructions inform the user that and how this device will translate the inputted phrase or sentence, col. 13 lines 1-4).

As to claims 16 and 33, Rondel et al. do not teach how to respond to a request for directions.

However, Abe et al. teach a sign language tool able to instruct a user how to communicate using sign language (col. 5, lines 25-30), the sign language is not limited to units of "word", but can accomplished in units of "sentence" (col. 6, lines 4-5), and the sign language is constructed by analysis of the input to provide for the understanding of the intention of the input utterance (col. 6, lines 25-33). It would be obvious to

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recognize a process, which can include three different types of sign-language (traditional, simultaneous, and American) would be able to display the user how to perform the movements for directions.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input system of Rondel et al. with the instructions output of Abe et al. for improved efficiency in the learning processes, as taught by Abe et al. (col. 2, lines 61).

As to claims 17 and 34, Rondel et al. do not teach how to respond to a request for numbers.

However, Abe et al. teach a sign language tool able to instruct a user how to communicate using sign language (col. 5, lines 25-30), the sign language is not limited to units of "word", but can accomplished in units of "sentence" (col. 6, lines 4-5), and the sign language is constructed by analysis the input to provide for the understanding the intention of the input utterance (col. 6, lines 25-33). It would be obvious to recognize this process, which can include three different types of sign language (traditional, simultaneous, and American, col. 6, lines 4-17) would be able to display the user how to perform the movements for numbers.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input system of Rondel et al. with the instructions output of Abe et al. for improved efficiency in the learning processes, as taught by Abe et al. (col. 2, lines 61).

As to claims 18 and 35, Rondel et al. do not teach how to respond to a request for time.

However, Abe et al. teach a sign language tool able to instruct a user how to communicate using sign language (col. 5, lines 25-30), the sign language is not limited to units of "word", but can be accomplished in units of "sentence" (col. 6, lines 4-5), and the sign language is constructed by analyzing the input to provide for the understanding the intention of the input utterance (col. 6, lines 25-33). It would be obvious to recognize this process, which can include three different types of sign language (traditional, simultaneous, and American) would be able to display the user how to perform the movements for time.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input system of Rondel et al. with the instructions output of Abe et al. for improved efficiency in the learning processes, as taught by Abe et al. (col. 2, lines 61).

As to claim 30, Rondel et al. teach a headphone connector (a jack allows for an external earphone, col. 6, lines 9-10).

5. Claims 7, 12, 13, 15, 19, 23, 28, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rondel et al. in view of Abe et al., and in view of Maruta et al. as in claims 1 and 20 above, and in further view of Hayashi et al. (6,321,188).

As to claims 7 and 23, Rondel et al. Abe et al. and Maruta et al. do not teach:
displaying a list of responses in the target language; and
receiving a selection of one of the responses.

However, Hayashi et al. teach;

displaying a list of responses in the target language (a YES or NO response is possible, which are both displayed on the device, col. 11, lines 48).

receiving a selection of one of the responses (inputting the YES or NO, col. 11, line 50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the instruction system of Abe et al., with the phrase selection system of Maruta et al., and with the response selection system of Hayashi et al. to increase the ability to transmit a sentence displayed on the apparatus, as taught by Hayashi et al. (col. 2, lines 32-34).

As to claims of 12 and 28, Rondel et al. Abe et al. and Maruta et al. do not teach:

displaying a list of access categories and information fields; and

receiving a selection to enable or disable one of the information fields for one of the access categories.

However, Hayashi et al. teach;

displaying a list of access categories and information fields (categories corresponding to the respective phrases are detected, col. 17, lines 33-35).

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receiving a selection to enable to disable one of the information fields for one of the access categories (a phrase is selected and the corresponding category is also displayed, col. 17, lines 35-37).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the instruction system of Abe et al., with the phrase selection system of Maruta et al., and with the category selection system of Hayashi et al. to increase the ability to transmit a sentence displayed on the apparatus, as taught by Hayashi et al. (col. 2, lines 32-34).

As to claims of 13 and 29, Rondel et al. and Abe et al. and Maruta et al. do not teach:

receiving a selection of the access categories; and

displaying the information fields that are enabled for the selected access category.

However Hayashi et al. teach;

receiving a selection of the access categories (receiving a category corresponding the selected phrase, col. 17, lines 35-37).

displaying the information fields that are enabled for the selected access category (displaying the categories corresponding to the respective phrases, col. 17, lines 33-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the

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instruction system of Abe et al., with the phrase selection system of Maruta et al., and with the category selection system of Hayashi et al. to increase the ability to transmit a sentence displayed on the apparatus, as taught by Hayashi et al. (col. 2, lines 32-34).

As to claims 15 and 32, Rondel et al, Abe et al, and Maruta et al. do not teach how to respond with a yes or no answer.

However, Hayashi et al. teach a system that provides a buttons for YES and NO, cable of independently instructing yes and no which are simple phrases, (col. 7, lines 10-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the instruction system of Abe et al., with the phrase selection system of Maruta et al., and the yes and no system of Hayashi et al. to increase the ability to transmit a sentence displayed on the apparatus, as taught by Hayashi et al. (col. 2, lines 32-34).

As to claim 19, Rondel et al., Abe et al, and Maruta et al. do not teach, stating how to choose from a list of possible answers.

However, Hayashi et al. teach providing buttons for YES or NO responses to the input, (col. 7, lines 10-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the instruction system of Abe et al., with the phrase selection system of Maruta et al., and

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the yes and no system of Hayashi et al. to increase the ability to transmit a sentence displayed on the apparatus, as taught by Hayashi et al. (col. 2, lines 32-34).

6. Claims 37-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rondel et al. in view of Maruta et al.

As to claim 37, Rondel et al. teach:

receiving one or more input commands in a communication device, (the user depressing any key to start the operation, col. 7, line 68, and col. 8, lines 1);

storing audio in the target langue corresponding to the custom phrase (storing phrases by training the voice language translator to the user's voice, col. 10, lines 2-3, and lines 11-12).

Rondel et al. do not teach:

storing text in the user's language corresponding to a custom phrase;

receiving a selection of the phrase from a list of phrases in a user's language;

outputting the phrase in the target language from the communication device;

However, Maruta et al. do teach:

storing text in the user's language corresponding to a custom phrase (generating patters of characters of the readout phrases, and storing these patterns col. 7, lines 10-11).

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receiving a selection of the phrase from a list of phrases in a user's language (a number of phrases are stored in phrase memory, one of the phrases are then is displayed, col. 7 lines 42-45, col. 8, lines 11-12).

outputting the phrase in the target language from the communication device (phrase is displayed, and if the Japanese-English button is pressed, the phrase is translated, col. 7, lines 3-6, and col. 8, lines 23-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the phrase selection system of Maruta et al. to increase the ability of the method to find the desired phrase as taught by Maruta et al. (col. 1, lines 60-62).

As to claim 38, Rondel et al. teach:

displaying a list of phrase categories in the user's language (the subgroup selections are displayed, col. 15, lines 15-17);

receiving a selection of one of the phrase categories (a selection from the subgroups is made, col. 15, lines 16-18).

As to claim 39, Rondel et al. teach the step of receiving a selection of further comprises receiving a selection of a custom phrase category (personalizing the phrases on a cartridge and using the phrases to translate a sentence, col. 15, lines 56-59).

As to claim 40, Rondel et al. teach receiving a selection of a portion of the phrase from a secondary list, (language cartridges can be mounted and used in unison to combine phrases into sentences, col. 6, lines 33-36, and col. 10, lines 11-19).

As to claim 41, Rondel et al. teach receiving the audio in the target language through a microphone, (a microphone connected to the voice language translator, col. 6, lines 9-11).

As to claim 42, Rondel et al. teach, receiving input commands in the communication device corresponding to the text in the user's language (differing buttons are depressed to input different user commands, (col. 13, lines 1-5), it would be obvious for these commands to be in the users language so that they are useful to the user.

As to claim 43, Rondel et al. teach:

input controls for receiving commands from a user (control keys, col. 5, line14);
a speaker (col. 6, line 8);

a processing system configured to store audio in a target language
corresponding to the custom phrase (a translation machine with a CPU, able to store phrases by training the voice language translator to the user's voice which is linked to translations of the audio in the target language, col. 5, lines 22, and col. 10, lines 2-3, and lines 11-12);

play the custom phrase in the target language from the speaker (the spoken sentence is emitted via the speaker in the foreign language, col. 14, lines 65-68).

Rondel et al. do not teach:

a processing system configured to store text in a user's language corresponding to the custom phrase;

the processing system further configured to receive a selection of the custom phrase from a list of phrases in the user's language.

However, Maruta et al. do teach:

a processing system configured to store text in a user's language corresponding to the custom phrase, (generating patterns of characters of the readout phrases, and storing these patterns col. 7, lines 10-11);

the processing system further configured to receive a selection of the custom phrase from a list of phrases in the user's language (a processing device where the desired Japanese phrases are found by using the Japanese select key, col. 1, lines 58-62).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the input receiving system of Rondel et al. with the phrase selection system of Maruta et al. to increase the ability of the method to find the desired phrase as taught by Maruta et al. (col. 1, lines 60-62).

As to claim 44, Rondel et al. teach:

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displaying a list of phrase categories in the user's language (the subgroup selections are displayed, col. 15, lines 15-17);

receiving a selection of one of the phrase categories (a selection from the subgroups is made, col. 15, lines 16-18).

As to claim 45, Rondel et al. teach the list of phrase categories includes a custom phrase category, (personalizing the phrases on a cartridge and selecting from the phrases to translate a sentence, col. 15, lines 56-59).

As to claim 46, Rondel et al. teach the processing system is further configured to receive a selection of a phrase category (personalized phrase on a cartridge are used to translate a sentence, col. 15, lines 56-59).

As to claim 47, Rondel et al. teach the processing system is further configured to receive a selection of a portion of the custom phrase from a secondary list, (the case includes slots for simultaneously receiving at least two voice language cartridges, col. 9, lines 12-14).

As to claim 48, Rondel et al. teach further comprising a microphone, wherein the processing system is further configured to receive the audio in the target language through the microphone (microphone connected to the voice language translator case, col. 6, lines 11-12).

As to claim 49, Rondel et al. teach:

storing personal information in a communication device using a user's language (personalizing the phrases on the different cartridges, col. 15, lines 55-60).

outputting the information from the communication device in a target language (the spoken sentence is emitted via the speaker in the foreign language, col. 14, lines 65-67).

As to claim 50, Rondel et al. teach the step of outputting the information is access controlled by the user, (the user depresses the select key if the input language has been appropriately identified in his voice, and the translated, col. 14, lines 60-67).

As to claim 51, Rondel et al teach the access categories controlled by the user are selected from one or more of name, age, birth date, current date and time, company affiliation, address, nationality, sex, marital status, customs, family, clothing preferences, and sizes, entertainment preferences, tourist preferences, professional background, educational background, hobbies, financial information, travel origination and destination, and food preferences, (categories can made up travel origination and destination such as a "train station," or "Prague," col. 15, lines 14-25).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fushimoto et al. (5,742,505), Hugentobler (5,576,953).

Fushimoto et al. teach a portable translation device with multiple input capabilities with an output system.

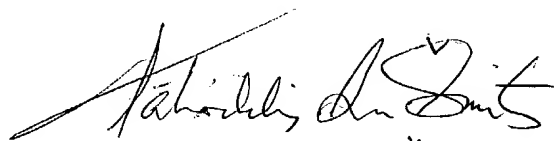
Hugentobler teach a portable translation device able to go between languages and with word storing capabilities.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E Shortledge whose telephone number is (703)605-1199. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703)306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS
9/14/2004



TALIVALDIS NARS SMITS
PRIMARY EXAMINER